

A.J.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
)	
vs.)	No. 01 CR 557
)	
KENNETH JAY RANEY,)	
)	
Defendant.)	


MEMORANDUM OPINION AND ORDER

Defendant has filed a motion for resentencing, motion to appoint counsel for hearing for resentencing, motion for return of all personal property, and motion for a new P.S.R.

The motions for sentencing and for appointment of counsel are denied. His motions rely upon United States v. Booker, ___ U.S. ___, 125 S.Ct. 738 (2005). But he was sentenced April 23, 2002, and Booker does not apply retroactively. McReynolds v. United States, 397 F.3d 479 (7th Cir. 1005).

His motion for return of property is likewise denied for now. Defendant does not indicate that he ever requested the government to return specific items or that the government ever represented that it had in its possession any of defendant's property but was refusing to return any items, and the reason for refusing. If defendant believes his counsel retains any of his property, he should direct his request for return to counsel.

Finally, the P.S.R. is not in error. It does not assign any criminal history points for battery and disorderly conduct charges. Rather, it assigns points for conviction on Count 5 of Case No. 96 CF 35, second degree recklessly endangering safety/User Dangerous Weapon, on the basis of defendant's guilty plea to that charge. The motion for a new P.S.R. is denied.


JAMES B. MORAN
Senior Judge, U. S. District Court

May 19, 2005.